

REMARKS

In the Office Action identified above, the Examiner rejected claims 23-29 and 34 under 35 U.S.C. § 112, second paragraph; rejected claims 1-3, 8, 11-12, and 15 under 35 U.S.C. § 102(b) as being anticipated by Gartshore et al. (U.S. Patent No. 4,103,821) and Broudy (U.S. Patent No. 2,214,011); rejected claims 16 and 21 under 35 U.S.C. § 102(b) as being anticipated by Timms1 (U.S. Patent No. 3,330,471) and Timms2 (U.S. Patent No. 3,250,385); rejected claims 23-24 and 28-29 under 35 U.S.C. § 102(b) as being anticipated by Gartshore et al.; rejected claims 30-31, 34, and 37 under 35 U.S.C. § 102(b) as being anticipated by Broudy; rejected claims 4-6 and 35 under 35 U.S.C. § 103(a) as being unpatentable over Broudy in view of Knoll et al. (U.S. Patent No. 3,155,234); rejected claims 7 and 32-33 under 35 U.S.C. § 103(a) as being unpatentable over Broudy in view of Zudal (U.S. Patent No. 6,290,126); rejected claims 9-10, 13-14, 25-27, and 36 under 35 U.S.C. § 103(a) as being unpatentable over Gartshore et al. and Broudy and further in view of Knoll et al.; rejected claims 16-18 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Broudy in view of Timms2; rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Broudy and Timms2 in view of Zudal; and objected to claim 19 as being dependent upon a rejected base claim

By this Amendment, Applicant has amended claims 1-4, 11, 15-19, 30, and 34-35 and canceled claims 23-29 and 31-33 without prejudice or disclaimer. Claims 1-22, 30, and 34-37 remain pending.

With regards to the § 112 rejections, Applicant has canceled claims 23 and 29 without prejudice and disclaimer and amended claim 34 to correct typographical errors.

Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claims 23-29 and 34 under 35 U.S.C. § 112, second paragraph.

With regards to the §§ 102 and 103 rejections, Applicant acknowledges with appreciation the Examiner's indication that claim 19 contains allowable subject matter. Applicant submits that independent claims 1, 11, 16, and 30, as amended, also recite allowable subject matter. For example, amended claim 1 recites "wherein the envelope is placed between the at least one cover portion and the main body of the shipping container such that the body portion of the envelope is placed completely beneath the at least one cover portion and at least one of the first and second flap portions is affixed to the main body of the container." The cited references, either alone or in any proper combination, fail to teach or suggest at least this element. For instance, Gartshore et al. (FIG. 6), Timms1 (FIG. 4), Timms2 (FIG. 6), and Knoll et al. (FIG. 4) arguably teach placing an envelope within in a carton or on the exterior of a package. However, these teachings are insufficient to teach or suggest "wherein the envelope is placed between the at least one cover portion and the main body of the shipping container such that the body portion of the envelope is placed completely beneath the at least one cover portion and at least one of the first and second flap portions is affixed to the main body of the container," as recited in claim 1.

Furthermore, Zudal (FIG. 4B) and Broudy (FIG. 2) arguably teach placing an envelope between a cover portion and body of a package. However, Zudal and Broudy fail to teach or suggest "wherein the envelope is placed between the at least one cover portion and the main body of the shipping container such that the body portion of the envelope is placed completely beneath the at least one cover portion and at least one of

the first and second flap portions is affixed to the main body of the container," as recited in claim 1. Accordingly, Applicant submits that claim 1 is allowable over the cited references. Independent claims 11, 16, and 30, although of different scope, recite subject matter similar to that recited in claim 1. Accordingly, claims 11, 16, and 30 are also allowable over the cited references at least for reasons discussed above in regard to claim 1. Moreover, claims 2-10, 12-15, 17-22, and 34-37 depend from claims 1, 11, 16, and 30, respectively. As explained, claims 1, 11, 16, and 30 recite elements not disclosed by the cited references. Accordingly, claims 2-10, 12-15, 17-22, and 34-37 are allowable over the cited references at least the same reasons as claims 1, 11, 16, and 30. Applicant therefore respectfully requests that the rejection of these claims under 35 U.S.C. §§ 102 and 103(a) be withdrawn and the claims allowed.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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